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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,942	10/31/2003	Kazuo Okada	SHO-0019	8926
23353 7590 05/28/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
DEODHAR, OMKAR A				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
05/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/697,942

**Applicant(s)**

OKADA, KAZUO

**Examiner**

OMKAR A. DEODHAR

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.  
4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 15-33 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/CDC)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### **Non-Final Rejection**

This action is responsive to Applicant's Pre-Appeal Conference Request & subsequent decision to reopen prosecution.

Currently, Claims 1-33 are pending in the application, wherein, claims 1-14 have been withdrawn from consideration. Claims 15-33 are hereby examined on the merits.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 15-21 & 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastera et al. (US 6,315,666) in view of Loose et al. (US 6,517,433).**

**Claims 15-21 & 24-31:**

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Mastera teaches:

A gaming machine comprising:

a first display device that variably displays a plurality of symbols;

a second display device that electrically displays various images,

an input device that allows a player to input a command to bet;

a controller that controls the first display device and the second display device in accordance with the command to provide a game to the player; and

a display scaling unit that is disposed between the first display device and the second display device and configured to scale up or down the display displayed on the first display device.

(See Mastera – Abstract – the secondary display may be a LCD, Col. 8 Lines 40-49 teaching that the first display may be an LCD, Figure 6 showing a controller, Figure 9 – Item 912, Figures 10 & 11 showing flowchart events, Figure 8 showing a display scaling unit & Fresnel lens 812)

Mastera is silent regarding a movable lens.

Applicant's Specification at Pages 25 & 26 discloses "As the Fresnel lens 504 moves back and forth...the displayed symbols...can be scaled up or down on the display screen..."

It would have been a matter of obvious design choice to one of ordinary skill in the art at the time of Applicant's invention to have a system with a movable Fresnel lens. This is bolstered by the fact that both Mastera's projection mode LCD with Fresnel lens & Applicant's movable Fresnel lens accomplish the same

purpose of displaying different sized images or symbols on a secondary screen & thus Applicant's movable lens does not appear to have any advantages over Mastera's lens system.

Mastera teaches a secondary display provided in a top glass or belly glass portion of the gaming machine, but is silent regarding the secondary display device being provided in front of the first display device and configured to enable the player to see the symbols displayed by the first display device therethrough.

Loose teaches a secondary display provided in front of the first display device such that reels & symbols of the first display can be viewed through the second display. (See Loose Abstract, Figures 2A & 2B & Figure 5.) It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Mastera such that reels & symbols on a first display could be viewed directly through a secondary display as taught by Loose for the purpose of effecting more extravagant changes to the appearance of the display area (See Loose Col. 1. Lines 35-40).

Thus, the combination of Mastera & Loose teaches a secondary display that allows viewing of the first display's reels & a movable lens in a display scaling unit.

**Claims 22, 23, 32 & 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastera et al. (US 6,315,666) in view of Loose et al. (US 6,517,433), as applied to the claims above, in yet further view of Kawahara et al. (US 5,506,629, hereafter: Kawahara.)**  
**Claims 22, 23, 32 & 33:**

Mastera in view of Loose teaches the invention substantially as claimed, but does not teach the specific display scaling unit structure disclosed in the claims.

Kawahara discloses the following features with respect to the display apparatus (interpreted as a display scaling unit):

Lens frame including front and rear portions supporting the lens, (Abstract);

Combination of a pin and holes that set the rotating angle of the frame, (Col. 20. Lines 49-52.),

Long hole formed in a frame base fixed to one face of the frame, so that the frame base is rendered rotatable with respect to a base within the range of the long hole, (Col. 9. Lines 24-30.);

Polygonal cam rotatably supported with a shaft at an eccentric position by the base of the display unit, (Col. 10. Lines 14-28.);

Motor attached to device, (Figure 88, Item 62 & Col. 36. Lines 25-59), where a shaft connected to the motor is inherent;

An adjusting means for adjusting and fixing the relative angle between the image forming means frame and holder, wherein the adjusting means is constituted of a spring and adjusting screw, (Col. 7. Lines 45-50.);

Figure 4 discloses prior art including a screw boss, (Item 202c), provided on the lens frame with threaded holes, (Col. 3. Lines 26-43.).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate the projecting-type display apparatus of Kawahara

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into the device taught by Mastera in view of Loose for the purpose of minimizing fitting costs when adapting to convex and concave type lens faces.

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMKAR A. DEODHAR whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Corbett Coburn/  
Primary Examiner  
AU 3714